

Appl. No. : 10/822,156
Filed : April 8, 2004

REMARKS

Claims 1, 7, 16, 33, and 35-38 have been amended. New Claims 39-44 have been added. No new subject matter has been added. Support for the amendments and new claims may be found at least in the claims previously entered and on page 6 lines 15-24 of the specification. Applicant respectfully requests entry of these amendments prior to further examination.

Discussion of Claim Rejections Under 35 U.S.C. §103(a)

Claims 1, 4-7, 8-21, and 23-38 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Wallace in view of Mase (US 6,532,399). Claims 3 and 22 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Wallace in view of Mase and in further view of Waterbury (US 3,896,266). Wallace discusses “a method for remote dispensing of pharmaceuticals or other medical products.” The method “enables drug prescription dispensing in volume by a physician, pharmacist, or other licensed practitioner directly outside a pharmacy or a hospital. (see paragraph 6). Waterbury discusses a system wherein a security card having personal information is used to securely identify the presenter of the card. (See Abstract). Mase teaches a method for selectively dispensing inventoried items, such as pharmaceutical and therapeutic agents in a hospital. (See Abstract).

No combination of Wallace, Mase, and Waterbury, however, disclose all of the elements of currently amended Claim 1. For example, none of Wallace, Waterbury, or Mase teach a dispensing station for laboratory items having an output unit with a refrigerating device comprising at least one zone, where the refrigerating device is configured to generate a temperature gradient in the zone, and to store at least two items at different temperatures within the zone.

On page 6, the Office Action states that “Mase’s refrigerator, which has at least one refrigeration zone, meets the requirements of the claim language.” Applicant respectfully submits that Claim 1, as amended, is limited to a device configured to store at least two items at different temperatures. Furthermore, Applicant respectfully acknowledges that there are natural temperature fluctuations occurring within a refrigerator due to its use. However, Applicant submits that one of skill in the art would not consider these fluctuations to constitute storing items at different temperatures. Such ability is absent from Wallace, Mase, and Waterbury.

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Accordingly, Applicant respectfully submits that Claim 1 is unobvious over the art of record, and accordingly in condition for allowance. For reasons similar to those discussed above Applicant respectfully submits that independent Claims 16, 33, and 35-38 are also in condition for allowance.

Applicant does not necessarily agree with the Examiner's characterization of the cited art with regard to the dependent claims, and respectfully submits that each of the dependent claims are in condition for allowance because of the features they inherit from the independent claim from which they each depend and for their own features. In addition, with regard to certain dependent claims, Applicant respectfully submits the following.

With regard to Claim 3, the Office Action states that "Waterbury discloses holding onto a user's card ... until a vending transaction is complete for the purpose of securing the dispensing system." Applicant respectfully submits that Waterbury teaches a system which compares a user's voice as received by a microphone with a voiceprint pattern on a credit card, and that "If they match, ... a card release command signal is conveyed ...to the credit card receptor 104, which then allows the credit card to be withdrawn." Accordingly Waterbury teaches that the credit card is released upon verification of the identity of the user. In contrast, Claim 3 features a system configured to release a personal identification module for removal by a user only after the locking mechanism has locked the output unit subsequent to the termination of a dispensing transaction.

With regard to Claim 4 the Office Action states that "Wallace's card reader (1672) is construed as having an output interface adapted for reading to and from a smart card, since this is how smart cards disclosed by Wallace are known to work." Applicant respectfully submits that Wallace's discussion of a smart card does not teach what data is written to the smart card. For example, the smart card could be a cash value card which has no transaction data written thereto, but rather only a current balance updated. In addition a smart card is not necessarily a personal identification module. Accordingly, Applicant respectfully submits that Wallace does not teach a dispensing station for laboratory items having an output section adapted to write dispensing transaction data to said personal identification module.

With regard to Claim 11, the Office Action states that "Wallace discloses using a wireless network." Applicant respectfully submits that Wallace does not, however, teach a dispensing

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station for laboratory items having a wireless communication module comprising a transmission section for preparing dispensing transaction data for transmission to a web site.

With regard to Claim 12, the Office Action states that "Wallace discloses using a wireless network." Applicant respectfully submits that Wallace does not, however, teach a dispensing station for laboratory items having a wireless communication module comprising a transmission section for preparing and sending a short message (SMS) containing dispensing transaction data to at least one phone number.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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